



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,035	03/25/2004	Gary Barnesberger	35034.001	5817

34395 7590 09/25/2006

OLYMPIC PATENT WORKS PLLC  
P.O. BOX 4277  
SEATTLE, WA 98104

EXAMINER
----------

NGUYEN, KIEN T

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/809,035

Applicant(s)

BAMESBERGER, GARY

Examiner

Kien T. Nguyen

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-8, 11-17, 19-24 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-8, 11-17, 19-20, 22-24, 27-33 is/are rejected.
- 7) ☒ Claim(s) 5 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is confusing because it was not clear whether "an entertainment-object-station substrates" on line 7 is same as "a plurality of entertainment-object-station substrates" as set forth on line 3.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 11, and 33, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Pail U.S. Patent 4,857,028.

Pail disclosed a station comprising an entertainment-object holder (70) having a top surface and support legs (75); a plurality of entertainment-object-station substrates (20, 50) visually associable with the station, removably mounted to the holder (70); a plurality of entertainment objects (29, 56), each entertainment object permanently affixed to its respective entertainment-object-station substrate. The entertainment-object-station substrates are visibly associable with the station by shape (box).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pail in view of Nayak U.S. Patent 5,055,081.

It is noted that Pail failed to teach various items that can be added to the entertainment object holder as set forth therein. However, Nayak disclosed an activity table comprising at least one bin or basket (52) that could be connected to the table. Therefore, it would have been obvious to one of ordinary skill in the art to modify the holder of Pail with the item (52) as taught by Nayak for the purpose providing storage for the station.

Claims 3, 12-17, 19, 20, 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pail.

Regarding claims 12-16, and 27-32, it is noted that Pail failed to specifically disclose various features of the substrates and station as set forth therein. However, such features are well known in the art such as educational toys and play environments. Accordingly, it would have been a matter of design choice to provide the play station of Chan with various well known educational teachings to accommodate any specific play level.

With regards to claims 3 and 19, the claimed invention failed to specifically recite how the disinfectant is connected or any physical relationships between them. It is the

issues of cleanliness and disease prevention; disinfectant is typically available at or near the play station for the reason as set forth above.

Regarding the method of managing the play station in claim 17, the steps of maintaining play objects as set forth therein are very well known in the environments such as preschools, day-care centers. It would have been a matter of common sense to incorporate such basic maintenance steps to the play station of Pail.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pail as applied to claim 17 above, and further in view of Nayak.

See the above explanation for claims 6-8.

#### ***Allowable Subject Matter***

Claims 5 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to Chan have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant request concerning the availability of disinfectant at or near play stations, see the attached documents from:

[www.infectioncontrol.ucsfmedicalcenter.org](http://www.infectioncontrol.ucsfmedicalcenter.org) and

[www.metrokc.gov/health/childcare/cleantoys.doc](http://www.metrokc.gov/health/childcare/cleantoys.doc)

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

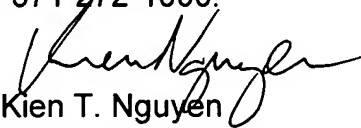
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kien T. Nguyen  
Primary Examiner  
Art Unit 3711

Ktn